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**[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE § 6103]**

9 Attorneys for Defendants
10 CITY OF PALOS VERDES ESTATES and
11 CHIEF OF POLICE JEFF KEPLEY

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA; WESTERN DIVISION**

14 CORY SPENCER, an individual;
15 DIANA MILENA REED, an
16 individual; and COASTAL
17 PROTECTION RANGERS, INC., a
18 California non-profit public benefit
19 corporation,

20 Plaintiffs,

21 v.

22 LUNADA BAY BOYS; THE
23 INDIVIDUAL MEMBERS OF
24 THE LUNADA BAY BOYS,
25 including but not limited to SANG
26 LEE, BRANT BLAKEMAN,
27 ALAN JOHNSTON aka JALIAN
28 JOHNSTON, MICHAEL RAE
PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA and N.F.;
CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

Case No. 2:16-cv-02129-SJO-RAO

Assigned to
District Judge: Hon. S. James Otero
Courtroom: 10C @ 350 W. First Street,
Los Angeles, CA 90012

Assigned Discovery:
Magistrate Judge: Hon. Rozella A. Oliver

**DECLARATION OF EDWIN J.
RICHARDS IN SUPPORT OF THE
CITY OF PALOS VERDES ESTATES
AND CHIEF OF POLICE JEFF
KEPLEY'S OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

[Filed concurrently with Opposition to
Plaintiffs' Motion; Objections to Evidence
and Opposition to Separate Statement]

Complaint Filed: March 29, 2016
Trial: November 7, 2017

DECLARATION OF EDWIN J. RICHARDS

I, EDWIN J. RICHARDS, hereby declare as follows:

1. I am an attorney duly admitted to practice before the United States District Court, Central District of California. I am a partner with the law firm of Kutak Rock LLP, counsel of record for Defendants City of Palos Verdes Estates and Chief of Police Jeff Kepley (collectively the “City”) in the above-entitled matter. The facts set forth herein are within my personal knowledge, and if called upon to testify, I could and would competently testify thereto.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the deposition transcript of Christopher Taloa.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the deposition transcript of Plaintiff Diana Milena Reed.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the deposition transcript of Plaintiff Cory Spencer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 13, 2017 at Irvine, California.

/s/ Edwin J. Richards

EDWIN J. RICHARDS

Exhibit “A”

#3514
Christopher Taloa
January 05, 2017

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

Cory Spencer, et al.,

Plaintiffs,

vs.

Case No.
2:16-CV-02129-SJO
(RAOx)

Lunada Bay Boys, et al.,

Defendants.

VIDEOTAPED DEPOSITION OF CHRISTOPHER TALOA

January 5, 2017

10:03 a.m.

1055 Wilshire Boulevard, 11th Floor

Los Angeles, California

REPORTED BY:

Angela M. Schubert

CSR No. 12027, CSR

#3515
Christopher Taloa
January 05, 2017

1 then he went all the way to the beach. He just went
2 in.

3 Q. Okay.

4 A. And he couldn't get nothing.

5 Q. So you talked to the officer and then kind of
6 had some bad experiences in the water?

7 A. Yeah. It wasn't. He had no idea it was going
8 to be like that. I actually felt pretty bad for him.
9 God, I wish I had his name.

10 MR. OTTEN: Jacob, do you want a name? I
11 think I remember reading an article that he's talking
12 about. At the break, I could look for it.

13 MR. SONG: Yeah. Maybe during the break.
14 That would be nice. Thanks.

15 MR. OTTEN: Okay.

16 MR. SONG: Okay.

17 BY MR. SONG:

18 Q. And kind of relating to this whole MLK Day
19 incident and I think I recall you saying that the
20 police asked you at one point if you wanted to press
21 charges?

22 A. Yes.

23 Q. Is that correct?

24 A. Yes.

25 Q. Okay. And what did you elect to do?

#3516

Christopher Taloa

January 05, 2017

1 A. No. I didn't get physically hurt. That's the
2 most important thing. If I can go home without the
3 stitches, I don't want to go to the cop shop and do all
4 that. These are young cops and I sent them over to my
5 friend's house, my friend's restaurant, and my aunt --
6 she's not my real aunt but a friend of mine to go there
7 and stuff your face. Go there and stuff your face.
8 She really liked them up there.

9 Q. Okay. So the police officers approached you
10 asked if you wanted to press charges?

11 A. Officer Gonzales. I thought you'd like that.

12 Q. Officer Gonzales approached you, asked you
13 based on anything that happened that day if you wanted
14 to move forward with any sort of law enforcement action
15 and you declined?

16 A. Yes.

17 Q. That's correct?

18 A. Yes.

19 Q. Okay. And how did you feel about the police
20 presence during the MLK paddle out?

21 A. Every time I come in and said anything about
22 the cops up there -- I said everything that had
23 happened and they have been nothing but good to me.
24 They have been there for us and I am so thankful and
25 grateful on that aspect in that manner.

#3517
Christopher Taloa
January 05, 2017

1 Are you talking about Papayans senior?

2 THE WITNESS: Junior

3 MR. CAREY: Junior told you.

4 MR. SONG: Okay.

5 BY MR. SONG:

6 Q. Moving on to paragraph 19, you describe an
7 incident involving Michael Ray Papayans and can you
8 read the last sentence of that to me.

9 A. The last paragraph?

10 Q. The last paragraph?

11 A. The locals and media saw us on the cliff and
12 said, oh, we had notified the police prior to arriving?

13 Q. Actually, I'll just read it real quick. So
14 paragraph 19 of the declaration says, "After what
15 seemed like several minutes of him trying to provoke me
16 into an altercation, I called the police."

17 A. Yes.

18 Q. Do you recall that?

19 A. Oh, yeah.

20 Q. Okay.

21 A. I got it on video for you if you want to see
22 all the video.

23 Q. And do you know who you spoke to at the -- did
24 someone pick up the phone?

25 A. Yeah.

#3518

Christopher Taloa
January 05, 2017

1 Q. In this statement and who did you speak to if
2 you know?

3 A. A woman. I think it was a woman. I think --
4 yeah. I want to say it was a woman.

5 Q. And what did you tell her?

6 A. To the best of my knowledge, I told her I got
7 this guy over here and he's going off and I'm shaking
8 and I know what this means, which means it's about to
9 get violent and I don't want to be a violent person and
10 I'm calling you because that's what you do when you
11 feel uncomfortable.

12 Q. Okay. And did the police dispatch anyone?

13 A. They were on it like hawks. They came down.
14 As soon as I put the camera away, he ran to his truck
15 and bolted so I couldn't get his license plate.

16 Q. And then that instance, do you feel like the
17 police there protected you?

18 A. Yeah. I felt like -- from that point right
19 there, I felt secure that they're like watching over us
20 and we're not going to have people going off on us.
21 And at the same time, I'll be honest with you. I felt
22 very bad. I know it's their job but I also hear that
23 cops don't like to be called for all of these little
24 things. They have other bigger things to do. I felt
25 pretty bad about that going on. I tried to keep them

#3519

Christopher Taloa
January 05, 2017

1 Q. Do you know the date of that incident?

2 A. Oh, man, I wish I did. I know it was after
3 maybe the third time that I went. I didn't even go out
4 in the water. The waves were big but it wasn't what I
5 wanted to do so I didn't go out. The officer was going
6 to ask me if I was going to go surfing, and no, I'm
7 good. Asked me if I was going to go anywhere else and
8 I said nope. I have no interest. I just want to surf
9 this wave and I'm going to leave your neighborhood now
10 and that was it.

11 Q. Moving onto the next paragraph. Paragraph 20,
12 talking about January 16, your visit with Cory Spencer
13 to Lunada Bay. There's a sentence that says, "We had
14 notified the police prior to arriving." Did you notify
15 the police?

16 A. I didn't notify the police. Cory did. I had
17 no idea.

18 Q. And I believe I recall and correct me if I'm
19 wrong and said you notified the police before going to
20 the beach several times?

21 A. Well, he did.

22 Q. Okay.

23 A. They did. Yeah. I always have somebody else
24 call into the cops to let them know that we're coming
25 because I feel guilty about me being the guy calling.

#3520
Christopher Taloa
January 05, 2017

1 Q. And was Officer Gonzales one of those people
2 that was present at any of those instances?

3 A. Officer Gonzales showed up twice and he's
4 always shown up with younger police officers, young
5 guys, and they all look like they're ready. They look
6 like they're ready for anything. They're
7 nonjudgmental. If I'm acting up, I'm going to jail.
8 If they're acting up, they're going to jail. There is
9 no ifs about it. Be respectful in the neighborhood.
10 If you act up, you're going down.

11 Q. Just keeping everybody in check?

12 A. Keep them all in line. That's beautiful.

13 Q. Okay. Makes sense to me. So I know that
14 you -- other than what we've talked about those
15 instances when you interacted with the police, have you
16 ever interacted with any city employees at any time,
17 anyone who works for the city of Palos Verdes Estates?

18 A. I can speculate that I did but I'm not sure if
19 that's who it was. He might be on that news channel
20 the first day we did the protest.

21 Q. Okay. But effectively, pretty much all of
22 your --

23 A. The facts remaining, no.

24 Q. Okay. So every time you've interacted with
25 the city, it's really been with a police officer from

#3521

Christopher Taloa

January 05, 2017

1 home. I can make my money now or later. It's going to
2 happen.

3 Q. Okay. Going back to Exhibit 214, one of the
4 Facebook posts that Mr. Worgul brought up. I'm going
5 to quote part of this to you. "Boy, you clowns really
6 forked some bucks into the police department to stop
7 one boogie boarder from surfing on his boog better than
8 you can walk down a cliff." So again, the implications
9 seems to be that you're saying that the police
10 department is --

11 A. Not implying that the cops -- no. Not
12 implying that the cops were out but the gang must have
13 forked some money out to have all that. I mean there's
14 a helicopter. I've never seen anything like that.
15 That was like a fiasco. It was like a carnival,
16 parade, and a circus all at one time. I had never seen
17 that before. I couldn't -- I mean from a Facebook
18 post. I'm going to go surf blah, blah, blah, and
19 goofing around to like what the heck. I had no idea.
20 I mean there were news stations. I'd never seen
21 anything like that before in my life. I had never even
22 expected it to be such a big fiasco to go surf at this
23 place. I was just blown away by the whole thing.

24 Q. When you say you forked some big bucks into
25 the police department to stop one boogie boarder, are

#3522

Christopher Taloa
January 05, 2017

1 you implying that -- I'm trying to get at what you
2 meant by --

3 A. I mean that whole thing, it costs money to do
4 that and they didn't have to do that. Like come on,
5 man, I can't believe you. Not you but I can't believe
6 that they were so wiggled out about me going to the
7 beach. That all this stuff showed up. I couldn't -- I
8 was baffled. I was literally baffled that they -- that
9 it would go like that. I mean usually, you know, a
10 little protest, a couple of guys, what are you doing.
11 I didn't expect the helicopter and boat and seeing all
12 these SUVs, flying around in cop cars or going surfing.

13 Q. So you're saying at the MLK 2014 paddle out,
14 there were a lot of resources that were spent?

15 A. Dear Lord, for me to go surfing, come on, man,
16 there's better things to do.

17 Q. So you're saying it must have cost the city a
18 lot of money to provide all that extra patrol?

19 A. Yeah. For nothing. I just went to -- my God,
20 I just went to the beach. It made no sense.

21 Q. Okay. Can we go off the record?

22 (Recess)

23 BY MR. SONG:

24 Q. Mr. Taloa, we previously detailed extra
25 patrols and kind of some positive or at least your

#3523
Christopher Taloa
January 05, 2017

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REPORTER'S CERTIFICATE

I, Angela Schubert, CSR No. 12027, Certified
Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness, the
questions propounded, and all objections and statements
made at the time of the examination were recorded
stenographically by me and were thereafter transcribed;

That a review of the transcript by the
deponent was required;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
laws of California that the foregoing is true and
correct.

Dated this 9th day of 2017

Angela Schubert

ANGELA SCHUBERT, CSR NO. 12027

Exhibit “B”

187:1
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
) 2:16-cv-02129-SJO-RAO
Plaintiffs,)
)
vs.)
)
LUNADA BAY BOYS, et al.,)
)
Defendants.)
)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
VOLUME II
Santa Monica, California
Tuesday, October 25, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

215:1 unaware of the events? 09:49

215:2 A Well, I know that because he told me that 09:49

215:3 he was unaware of anything that had happened to me. 09:49

215:4 Q So was the police officer a man or woman? 09:49

215:5 A It was a man. 09:49

215:6 Q All right. What's the first thing you 09:49

215:7 said to that police officer? 09:49

215:8 A I don't remember the first thing that I 09:49

215:9 said but I remember that I was very upset and I was 09:49

215:10 in tears and I just tried to tell him as best I 09:50

215:11 could as to what happened. But how I said it, I 09:50

215:12 don't know. 09:50

215:13 Q Was Jordan with you? 09:50

215:14 A I don't think so, no. 09:50

215:15 Q Was Jordan still surfing? 09:50

215:16 A Jordan wasn't surfing anymore. Jordan had 09:50

215:17 come in, and -- but I don't think he walked up to 09:50

215:18 the police car with me, I don't know if he was 09:50

215:19 behind me or not. 09:50

215:20 Q Sometime between the time of the incidents 09:50

215:21 in the fort and the time you talked to the police 09:50

215:22 officer, did you tell Jordan what had happened to 09:50

215:23 you? 09:50

215:24 A I don't know, I don't think so. 09:50

215:25 Q Is there a reason you recall why you 09:50

217:1 Q What did you tell the officer? 09:51

217:2 A As best as I could, I described what had 09:51
217:3 happened to me. 09:51

217:4 Q What is it that you told him? 09:51

217:5 A I told him what had happened to me in the 09:52
217:6 fort regarding the incident with Mr. Blakeman and 09:52
217:7 Jalian and the beer and everything else that 09:52
217:8 happened down there. 09:52

217:9 Q Okay. And as best you can right now, tell 09:52
217:10 me everything that you told the officer in that 09:52
217:11 conversation. 09:52

217:12 MR. FRANKLIN: Calls for a narrative. 09:52

217:13 THE WITNESS: First of all, I was 09:52
217:14 extremely upset at the time so I couldn't even, you 09:52
217:15 know -- there's no way I remember that conversation 09:52
217:16 word-for-word and it was also very traumatic, so 09:52
217:17 I've blocked a lot of that out. So I can describe 09:52
217:18 to you what I remember that happened to me. 09:52

217:19 BY MS. HEWITT: 09:52

217:20 Q That's all I'm asking. 09:52

217:21 A But I can't specifically describe the 09:52
217:22 conversation that I had with the policeman other 09:52
217:23 than I remember telling him what happened to me and 09:53
217:24 why I was upset. 09:53

217:25 Q And I understand, I understand that. 09:53

Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [x] was [] was not requested. I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 7, 2016



Jimmy Rodriguez, RPR

Certificate Number 13464

Exhibit "C"

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual;) Case No.
DIANA MILENA REED, an) 2:16-cv-02129-SJO-RAO
individual; and COASTAL)
PROTECTION RANGERS, INC., a)
California non-profit public)
benefit corporation,)
Plaintiffs,)

v.)

LUNADA BAY BOYS; THE)
INDIVIDUAL MEMBERS OF THE)
LUNADA BAY BOYS, including)
but not limited to SANG LEE,)
BRANT BLAKEMAN, ALAN JOHNSTON)
aka JALIAN JOHNSTON, MICHAEL)
RAE PAPAYANS, ANGELO FERRARA,)
FRANK FERRARA, CHARLIE)
FERRARA and N.F.; CITY OF)
PALOS VERDES ESTATES;)
CHIEF OF POLICE JEFF KEPLEY,)
in his representative)
capacity; and DOES 1-10,)
Defendants.)

DEPOSITION OF CORY ELDON SPENCER
Los Angeles, California
Tuesday, October 11, 2016

Reported by:
Carmen R. Sanchez
CSR No. 5060

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Los Angeles, California

Tuesday, October 11, 2016, 1:42 p.m.

-oOo-

A F T E R N O O N S E S S I O N

(All appearances remain as heretofore noted in addition to Mark C. Fields, Esq., who has joined the proceedings.)

EXAMINATION (CONTINUED)

BY MS. HEWITT:

Q Going back on the record, Mr. Spencer, welcome back.

A Thank you.

Q We were talking about the January 29, 2016 visit to Lunada Bay, and the police presence that you're describing. I think -- I looked at the court reporter's screen. I think you said that there were two to three police officers there, including a sergeant; is that right?

A Not in January.

Q Not in January. Okay. Some other time. Okay. In January, can you describe to me -- can you tell me how many Palos Verdes Estates police officers

1 were there?

2 A I can't give you a for sure number, but
3 it was over the -- over the three that we just talked
4 about. I would say up to five or six.

5 Q Okay. And did you see any police cars?

6 A Yes.

7 Q Okay.

8 Did you see any other police-type
9 vehicles?

10 A Yes.

11 Q What were those?

12 A There was a motorcycle, and I don't know
13 what they call it, but it's equivalent to like we have
14 cadets; so and they -- I'm pretty sure they were in a
15 different color uniform. They weren't officers.

16 Q Like an explorer?

17 A Either parking -- not explorer, but they
18 were either a cadet, a police service officer, or like
19 a parking -- I don't recall.

20 Q Okay. And were the police service/cadet
21 people, are those included in the three to five to six
22 that you saw?

23 A Yes.

24 Q Okay.

25 How many police cars did you see?

Page 131

1 A Yes.

2 Q And "ops" is operations?

3 A Yes.

4 Q Okay. And the first sentence says
5 (as read):

6 "Sir, first of all, I'd like
7 to thank you and your dept. for the
8 response in extra patrols down at
9 Lunada Bay."

10 A Correct.

11 Q All right.

12 Did you feel thankful for extra patrols
13 down at Lunada Bay?

14 A Of course.

15 Q All right.

16 Next, you say (as read):

17 "I am active law enforcement
18 (ESPD) and have been emailing
19 Capt. Velez every time we (Aloha point
20 Facebook group - a group of non-locals)
21 venture out to the bay on a big swell day."

22 "ESPD," was that El Segundo Police
23 Department?

24 A Yes.

25 Q All right. And was it correct that you

1 had been E-mailing Captain Velez every time you were
2 venturing out on a big swell day?

3 A On those two days, yes.

4 Q Okay. So, you were referring to those
5 two days, January and February of 2016?

6 A Correct.

7 Q All right. So, each time you E-mailed
8 them, is it correct that you witnessed extra patrols
9 being provided?

10 A Yes. In my opinion, that's what they
11 were. The officers were there because, hopefully, in
12 response to my E-mail.

13 Q All right.

14 You go on to write (as read):

15 "He has been kind enough to
16 respond, and we've been encouraged to
17 see PV officers."

18 Was that accurate?

19 A Correct.

20 Q The next paragraph states (as read):

21 "Anyway, several years ago
22 (around 02' or 03') the then chief of
23 PV asked several surrounding agencies to
24 see if officers who surfed would be willing
25 to paddle out 'on duty-undercover.'"

Page 160

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Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

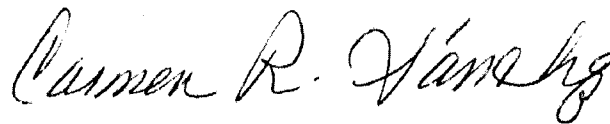
That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [X] was [] was not requested.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: October 21, 2016



Carmen R. Sanchez

CSR No. 5060